

## Leave custody battles up to legislation

This is in response to the Jan. 4 article "Child custody hearings backlogged in Blair court."

When adjudicating child custody issues, the court should be ashamed to provide itself an excuse that there is not enough time.

Blair County Court's untimely scheduling of custody hearings, postponements, continuances, costly and time-consuming mental health evaluations, and on demand protection-from-abuse orders known as the Silver Bullet Theory in customer disputes commonly are misused as a time advantage by a parent to gain primary custody of the children.

Time can be used by one parent to emotionally break the spirit of children who resist the court's first look lopsided-visitation schemes. The extended separation from one parent brutally alienates the children's emotions from the visiting parent and causes the children to develop emotional and behavioral problems.

Emotional and behavioral problems open the door for court-appointed guardians, psychologists and Children and Youth Services to enter children's lives,

inflaming the controversy and dividing the family relations further.

Protracted litigation through scheduling delays affords intervening professionals opportunity to cast disparaging shadows of doubt on noncustodial parents. Without question, judges arbitrarily use professionals' misleading or biased opinions as incontrovertible conclusions to separate children from a parent temporarily or permanently.

Instead of creating judgeship positions to alleviate a backlog of custody cases, comprehensive Rebuttable Equal Joint Custody legislation should become the law. Given limited options, divorcing parents will agree voluntarily on a custody schedule that benefits their children's real needs, or alternatively, the court shall award a default joint custody schedule.

Removing the present system's divorce incentives and winner-take-all mindset would discourage parents from invoking a contentious custody battle and ultimately reduce court backlogs. The time factor in custody cases would be shortened significantly, and any rebuttal of presumptive joint custody should be promptly decided on each parent's character and conduct during the intact marriage years.

To minimize judges' discretion and biases, custody decisions should be based on a legislatively defined evidentiary standard of clear and convincing evidence and not fabricated evidence that is time augmented through court backlogs, worthless court-ordered evaluations and frivolous child abuse investigations.

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